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**STATE OF INDIANA
HOUSE OF REPRESENTATIVES**
THIRD FLOOR STATE HOUSE
INDIANAPOLIS, INDIANA 46204

CRAIG R. FRY
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MISHAWAKA, INDIANA 46546-1066

COMMITTEES:
INSURANCE, CHAIR
FINANCIAL INSTITUTIONS
PUBLIC HEALTH

March 24, 2009

Ms. Lisa Jackson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue N.W., Suite 3000
ARN
Mail Code 1101 A
Washington, D.C. 20460

RE: VIM Recycling, Inc.
29861 Old U.S. Highway 33
Elkhart, IN 46516

RECEIVED
2009 APR -2 AM 10:17
OFFICE OF THE
EXECUTIVE SECRETARY

Dear Ms. Jackson:

This correspondence serves as a request for the U.S. Environmental Protection Agency's (EPA) intervention in the oversight of environmental situations occurring at VIM Recycling, Inc. (VIM) in Baugo Township-Elkhart, Indiana.

My involvement with the problems experienced by the Baugo Township residents and neighbors of VIM began after a fire and explosion occurred at VIM on June 14, 2007. This explosion killed one worker and injured another. The explosion was strong enough to rock the small children in a nearby house out of their beds; the residents still hear the screams of the men who were on fire; the neighborhood had to be evacuated. This fire burned for a couple of days and took hundreds of firefighters to battle. There have been pop up fires since and a constant smoldering that permeates the neighborhood still exists.

VIM has a history of violations and continues to display a blatant disregard for the law. The Indiana Department of Environmental Management (IDEM) has admittedly allowed VIM to repeatedly skirt the law, which is well documented. The State and Local Health Departments do not take action. VIM's owner shows no fear for the law because past and present practices of IDEM have demonstrated a lackadaisical attitude toward enforcement. A slap on the wrist is all this company ever receives from IDEM. The State Fire Marshal has stepped up, but to no avail (comments below).

VIM was moved from one location in Elkhart because it was a bad neighbor. That neighborhood had the resources and abilities to have it moved. Unfortunately, it was moved to this Baugo Township neighborhood that includes residential homes, daycares, and a school - none of whom have deep pockets.

As noted in the documents included with this request, the primary concern is the health and safety of the neighbors. Some residents experience severe breathing problems, asthma, nose bleeds, continual sinus problems, and rashes after VIM moved into the neighborhood. The smell is so bad that it causes some people to vomit when exposed to the outdoor air. The odor can permeate into homes. The dust from grinding covers the inside and outside of homes and cars.

The residents breathe this air 24 hours a day, seven days a week. Secondly, VIM has caused the residents to lose the use and enjoyment of their property. They cannot use their yards, open their windows, or have people over to visit. The neighbors do not have the resources to move so they are trapped inside with environmental factors that are be hazardous to their health.

VIM contains refuse from the recreational vehicle (RV) industry, including discarded materials from the Katrina trailers that were manufactured in the community. As indicated in the enclosed material, some of the residents possess the same health issues that were experienced by the Katrina trailer inhabitants and some RV industry employees. These neighbors' complaints occurred prior to the release of information about the trailers and congressional hearings. The similarities of these health issues should have served as the impetus to shut down VIM's operations but neither IDEM nor the EPA (under the former administration) took action.

In February 2008, the Indiana State Fire Marshall brought a cause of action against VIM in the Elkhart County Circuit Court. It is still stuck in that court - the Fire Marshall's office has been unable to obtain a hearing and it is my understanding that an amended complaint will be filed soon to narrow the issues (with pictures provided) in an effort to gain movement on the case.

There was an agreed order between VIM and IDEM concerning the removal of VIM's "C" pile. Deadline for the removal was September 30, 2008. The date came and went.

IDEM finally decided to step up but it was too little too late. (It, too, filed suit in Elkhart County but soon learned that it would be met with the same treatment by the Judge.) The precedent was set; VIM had branched out to other counties. Enclosed are copies of IDEM's Violation-Referral to Enforcement Letter to Ken Will, owner of VIM, dated February 12, 2009, and the Notice of Inspection. These documents provide IDEM's findings and disclose the areas confirmed to discharge into waters of the state in the latest inspection. Additional lawsuits are being filed but I am skeptical that much headway will be made in the Elkhart County court system. Some success may be obtained in the other counties in which VIM has violations and operates without permits.

I respectfully request that the U.S. EPA take control of the situation at VIM. I am hopeful that the new administration will take action instead of just calling IDEM to discuss the complaints. These neighbors are suffering and it has gone on far too long.

I will be happy to provide any additional information or documentation necessary to facilitate this request.

Sincerely,



Craig R. Fry
State Representative

CRF/mc

Enclosures

cc: Bharat Mathur
Eric Wachter



Correspondence Management System

Control Number: AX-09-000-4650

Printing Date: April 08, 2009 11:38:20



Citizen Information

Citizen/Originator: Fry, Craig R

Organization: State of Indiana House of Representatives
Address: 200 West Washington Street, Indianapolis, IN 46204-2786

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-09-000-4650
Status: Pending
Due Date: Apr 22, 2009
Letter Date: Mar 24, 2009
Addressee: AD-Administrator
Contact Type: LTR (Letter)
Signature: DD-Division Director
File Code: 404-141-02-01 141b Controlled and Major Correspondence Record copy of controlled and major correspondence of the offices of Division Directors and other personnel
Subject: VIM Recycling, Inc. 29861 Old U.S. Highway 33 Elkhart, IN 46516
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: Linda Huffman - OECA
OAR - Office of Air and Radiation -- Immediate Office
OCIR - Office of Congressional and Intergovernmental Relations
OECA - OECA -- Immediate Office

Alternate Number: N/A

Closed Date: N/A

of Extensions: 0

Received Date: Apr 8, 2009

Addressee Org: EPA

Priority Code: Normal

Signature Date: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	R5	Apr 8, 2009	Apr 22, 2009	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Jacqueline Leavy	OEX	R5	Apr 8, 2009	Apr 22, 2009	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Gayvonne Gary	R5	R5-ORC	Apr 8, 2009	Apr 22, 2009	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A



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Control Number: AX-09-000-4650

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Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Gayvonne Gary	R5	Ronna Beckmann	Apr 8, 2009
Gayvonne Gary	R5	Mary Canavan	Apr 8, 2009

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Assign R5 as lead office	Apr 8, 2009
Jacqueline Leavy	OEX	Assign R5 as lead office	Apr 8, 2009
Gayvonne Gary	R5	Accepted the group assignment	Apr 8, 2009
Gayvonne Gary	R5	Assign R5-ORC as lead office	Apr 8, 2009
Gayvonne Gary	R5	Assign Ronna Beckmann to support the control	Apr 8, 2009
Gayvonne Gary	R5	Assign Mary Canavan to support the control	Apr 8, 2009
Darlene Weather-spoon	R5-ORC	Accepted the group assignment	Apr 8, 2009

Comments

Commentator	Comment	Date
No Record Found.		